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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,879	10/19/2001	Michael S. Bender	0007056-0102/P4445	1232

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EXAMINER
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ZIA, SYED

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/044,879

Applicant(s)

BENDER ET AL.

Examiner

Syed Zia

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 31 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This office action is in response to application filed on October 30, 2006. Original application contained Claims 1-16. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. Therefore, presently pending claims are 1-16.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Jobst et al. (U. S. Patent 6,707,915).

1. Regarding Claim 1 Jobst teaches and describes a method for using a token to sign an unsigned binary (Fig.3-7) comprising:

signing an unsigned binary on a first computing device to obtain a first signature (col.7 line 36 to line 52);  
downloading said first signature and said unsigned binary to a second computing device (col.7 line 53 to line 61);  
using a token coupled to said second computing device to sign said unsigned binary to obtain a second signature (col.7 line 62 to line 67; and col.8 line 8 to line 17); and  
comparing said first and second signatures (col.8 line 17 line 19).

2. Regarding Claim 9 Jobst teaches and describes a computer program product comprising:  
a computer usable medium having computer readable program code embodied therein  
configured to use a token to sign an unsigned binary signature said computer program product (Fig.3-7, and col.10 line 20 to line 24) comprising:

computer readable code configured to cause a computer to (col.10 line 20 to line 24) sign an unsigned binary on a first computing device to obtain a first signature (col.7 line 36 to line 52);

computer readable code configured to (col.10 line 20 to line 24) cause a computer to download said first signature and said unsigned binary to a second computing device (col.7 line 53 to line 61),

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computer readable code configured to cause (col.10 line 20 to line 24) a computer to use a token coupled to said second computing device to sign said unsigned binary to obtain a second signature (col. 7 line 62 to line 67; and col.8 line 8 to line 17);

and computer readable code configured to cause (col.10 line 20 to line 24) a computer to compare said first and second signatures (col.8 line 17 line 19).

3. Claims 2-7, and 10-15 are rejected applied as above rejecting Claims 1, and 9

Furthermore, Jobst teaches and describes a system a method wherein:

As per Claim 2, and 10 using said unsigned binary on said second computing device, if said first and second signatures match (col.8 line 20 to line 25).

As per Claim 3, and 11 rejecting said unsigned binary on said second computing device, if said first and second signatures do not match (col.8 line 25 to line 27).

As per Claim 4, and 12 said token is a smart card (col.10 line 15 to line 19).

As per Claim 5, and 13 said first computing device is a server (col.9 line 66 to col.10 line 3).

As per Claim 6, and 14 said steps of signing and using use identical hashes (col. 7 line 24 line 30, and col.8 line to col.5 line 14 to line 19).

As per Claim 7, and 15 encrypting said unsigned binary and said first signature (col. 11 line 36 to line 44).

4. Claims 8, and 16 are rejected applied as above rejecting Claims 7, and 14 Furthermore, Jobst teaches and describes a system a method wherein:

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As per Claim 8, and 16 further comprising: decrypting said encrypted unsigned binary and first signature (col. 11 line 50 line 56).

### ***Conclusion***

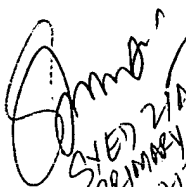
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 571-272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SZ

November 28, 2007

  
SYED ZIA  
PRIMARY EXAMINER  
AM 2131